

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL OF)
THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the TRUSTEE FOR)
NATURAL RESOURCES FOR THE)
STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

CV-0329-JOE-SAJ

1. TYSON FOODS, INC.,)
2. TYSON POULTY, INC.,)
3. TYSON CHICKEN, INC.,)
4. COBB-VANTRESS, INC.,)
5. AVIAGEN, INC.,)
6. CAL-MAINE FOODS, INC.,)
7. CAL-MAINE FARMS, INC.,)
8. CARGILL, INC.,)
9. CARGILL TURKEY PRODUCTION,)
LLC,)
10. GEORGE'S INC.,)
11. GEORGE'S FARMS, INC.,)
12. PETERSON FARMS, INC.,)
13. SIMMONS FOODS, INC., and)
14. WILLOW BROOK FOODS, INC.,)

Defendants,)

TYSON FOODS, INC., TYSON)
POULTRY, INC., TYSON CHICKEN,)
INC., COBB-VANTRESS, INC.,)
GEORGE'S INC., GEORGE'S FARMS,)
INC., PETERSON FARMS, INC.,)
SIMMONS FOODS, INC., and WILLOW)
BROOK FOODS, INC.)

Third-party Plaintiffs,)

vs.)

1. CITY OF TAHLEQUAH, et al.,)
)
Third-Party Defendants.)

**THIRD PARTY DEFENDANT BARBARA L. KELLEY D/B/A DIAMOND HEAD
RESORT'S UNOPPOSED MOTION FOR EXTENSION
OF TIME TO MOVE OR PLEAD**

COMES NOW, THIRD PARTY DEFENDANT, Barbara L. Kelley d/b/a Diamond Head Resort ("Kelley"), by and through her attorneys of record, Kenneth E. Wagner and Marcus N. Ratcliff of the law firm of Latham, Stall, Wagner, Steele & Lehman, and respectfully requests that the date for its initial motion or pleading in response to the Third Party Complaint be extended to and through April 28, 2006. Third Party Plaintiff's counsel, Nicole M. Longwell, has no objection to this Motion. In compliance with LCvR7.1(g), Defendant Kelly states:

1. Without the requested extension, an initial motion or pleadings would be due on or about April 6, 2006.
2. There have been no previous motions for extension of this date.
3. The additional time is needed for evaluation and preparation of an appropriate response to the Third Party Complaint.
4. As indicated above, this request is unopposed.
5. The requested extension will not affect any other deadline in the case.
6. A proposed order has been submitted to the Court.

WHEREFORE, Third Party Defendant, Barbara L. Kelley d/b/a Diamond Head Resort hereby requests the Court entered an Order allowing Defendant until April 28, 2006 to file its initial motion or pleading in response to the Third Party Complaint.

Respectfully submitted,

ss/ Kenneth E. Wagner

Kenneth E. Wagner, OBA No. 16049

Marcus N. Ratcliff, OBA No. 19201

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Attorneys for Third Party Defendant

Barbara L. Kelley d/b/a Diamond Head
Resort

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of April, 2006, a true and correct copy of the foregoing instrument was served via CM/ECF to the following:

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and on this 4th day of April, 2006, a true and correct copy of the foregoing instrument was placed in the U.S. Mail with proper postage affixed to the following:

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